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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.968 OF 2016**

Vilas Ramesh Marathe and Ors.	... Applicants
Vs.	
State of Maharashtra and Anr.	... Respondents

**WITH
CRIMINAL APPLICATION NO.1020 OF 2016**

Sachin Annaso Marathe & Ors.	... Applicants
Vs.	
The State of Maharashtra and Anr.	... Respondents

Mr. Priyal G. Sarda for the Applicants in Cri. Apl/968/2016.

Mr. Ashish Shukla i/by Mr. Subhas Hulyalkar for the Applicants in APL/1020/2016 and for Respondent Nos.2 and 3 in APL/968/2016.

Mr. K.V. Saste APP for the Respondent No.1 – State in both Applications.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 5th OCTOBER, 2016

PC.

1. Rule in both the applications. Advocate on record for the second Respondent in Criminal Application No.968 of 2016 waives service. Advocate on record for the second Respondent in Criminal Application No.1020 of 2016 waives service. The learned APP waives service for the first Respondent in both the Applications. Forthwith taken up for final disposal.

2 Prayer in Criminal Application No.968 of 2016 is for quashing the First Information Report registered at the instance of the second Respondent for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code. The prayer in Criminal Application No.1020 of 2016 is for quashing the First Information Report at the instance of the second Respondent therein for the offences punishable under Sections 452, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code read with Section 135 of Bombay Police Act and Section 4(25) of the Arms Act. The second Respondent in Criminal Application No.968 of 2016 is the second Applicant in Criminal Application No.1020 of 2016. The second Respondent in Criminal Application No.1020 of 2016 is the mother of the first Applicant in Criminal Application No.968 of 2016. The prayer in both the applications is for quashing the FIR based on settlement between the parties. In both the applications, the first informants as well as the victims of the offences have filed affidavits. In the affidavits, it is stated that for maintaining peace, the families they have come together and have decided to settle the entire dispute.

3 In the offence subject matter of Criminal Application No.968 of 2016 Section 307 has been applied. We have perused the charge sheet which is the subject matter of challenge in the said application. We have perused the statements of the first informant and

other witnesses. On plain reading of the statements of the witnesses and the injury certificate of the injured, we are of the view that Section 307 of the Indian Penal Code could not have been applied at all. Perusal of the allegations made in both the cases show that the incidents took place between two groups of individuals. In fact the First Information Reports relate to the incidents of the same date which are connected with each other.

4 On perusal of both the cases, we are of the view that the offences alleged cannot be said to be against the society at large. The medical certificates of injured persons/ victims in both the applications show that both of them have suffered one CLW and the medical opinion is that the injury is such that it will not endanger their life. In fact in both the cases, the parties have deposited a sum of Rs.25,000/- each to the Maharashtra State Legal Services Authority by way of donation.

5 Considering the law laid down by the Apex Court in the case of Gian Singh Vs. State of Punjab¹ these are fit cases where power under Section 482 of the Code of Criminal Code, 1973 can be exercised. Accordingly, we pass the following order :-

ORDER

- (i) In Criminal Application No.968 of 2016, Rule is made absolute in terms of prayer clause (b) which reads

1 (2012) 10 SCC 303

thus :-

“(b) The FIR No.129/2014 and further proceeding arising out of the said FIR, registered with Talegaon Dabhade Police Station, Dist. - Pune for the offences punishable U/s.307, 323, 504, 506, 34 of IPC & U/s.135 of Bombay Police Act & U/s.4(25) of Arms Act be quashed and set aside.”

- (ii) In Criminal Application No.1020 of 2016, Rule is made absolute in terms of prayer clause (a) which reads thus :-

“(a) that this Hon'ble Court may be pleased to call for the records and proceedings/investigation papers concerning C.R.No.130/2014 registered with Talegaon Dabhade Police Station, Pune for the alleged offence punishable under sections 452, 143, 147, 148, 149, 323, 504, 506 of IPC, 135 of Bombay Police Act and section 4(25) of Arms Act and after examining the legality, validity and/or propriety thereof, may be further pleased to quash and set aside the same and so also chargesheet, in exercise of the powers vested with this Hon'ble Court under section 482 of Cr.P.C. against the applicants.”

- (iii) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)